

Jul 22. 2005 5:45PM

RECEIVED
CENTRAL FAX CENTER

JUL 22 2005

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP

PATENT TRADEMARK AND COPYRIGHT LAW

1100 SUPERIOR AVENUE
SEVENTH FLOOR
CLEVELAND, OHIO 44114-2579
TELEPHONE (216) 861-5582
FAX (216) 241-1666 AND (216) 241-5147

DATE: July 22, 2005

TO: USPTO - Art Unit 2642

ATTN.: Rasha S. Al Aubaidi

FACSIMILE NO.: 1-571-273-8300

FROM: Thomas E. Kocovsky

RE: Our Ref.: LUTZ 2 00133

TOTAL PAGES: 4 (including cover sheet)

Please call us immediately at (216) 861-5582 if this transmission is incomplete or illegible.

Comments

The documents accompanying this facsimile transmission include information from the firm of Fay, Sharpe, Fagan, Minnich & McKee, LLP that might be legally privileged and/or confidential. The information is intended for the use of only the individual or entity named on this cover sheet. If you are not the intended recipient, any disclosure, copying, or distribution of these documents, or the taking of any action based on the contents of this transmission, is prohibited. If you have received this transmission in error, these documents should be returned to this firm as soon as possible, and we ask that you notify us immediately by telephone so we can arrange for their return to us without cost to you.

Jul. 22, 2005 5:45PM

No. 2269 P 2
RECEIVED
CENTRAL FAX CENTER

JUL 22 2005
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Calabrese, et al.
TITLE : APPARATUS, METHOD AND
SYSTEM FOR MAINTAINING CALL
CONTROL AT A GATEWAY
MOBILE SWITCHING CENTER
UTILIZING A PACKET NETWORK
APPLICATION NO. : 09/558,613
FILED : April 26, 2000
CONFIRMATION NO. : 9462
EXAMINER : Rasha S. Al Aubaidi
ART UNIT : 2642
LAST OFFICE ACTION : April 22, 2005
ATTORNEY DOCKET NO. : LUTZ 2 00133
Case Name/No. Calabrese 10-3-7-16
: Cleveland, OH 44114
: July 22, 2005

RESPONSE

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Office Action mailed April 22, 2005, on the above-referenced patent application, Applicant(s) respectfully request reconsideration of the application.

REMARKS

The Examiner's action mailed April 22, 2005 has been given careful consideration by the applicants, who respectfully request reconsideration of the application. Claims 1-56 remain in the application.

The Office Action

Examiner rejected claims 1-54. Examiners remarks indicate that the examiner is basing the rejections on the application entitled "Apparatus, Method and System for Providing Conditional Answering in Multiple Leg Telecommunications Sessions".

However, on September 2, 2004, Applicant's Petition to have the application corrected was granted. On September 15, 2005, Applicant responded to the March 15, 2004 Office Action requesting that the examiner reconsider and withdraw the Office Action. In Applicant's remarks, applicant cited the portion of the Decision of the Petition that stated that the application was to be reprocessed using the 30 page specification entitled, 'Apparatus, Method and System for Maintaining Call Control at a Gateway Mobile Switching Center Utilizing a Packet Network' that was supplied with the petition.

Because the examiner's rejections were not based on the correct application, Applicant respectfully requests that the examiner reconsider and withdraw the Office Action mailed on April 22, 2005.